

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

04 CR 10016 NG

UNITED STATES OF AMERICA)	CRIMINAL NO.
)	
v.)	VIOLATIONS:
)	
WALDIR FRANCISCO DEOLIVEIRA)	18 U.S.C. § 1341
a/k/a ENZO DELMONICO)	Mail Fraud
a/k/a LUIS CARLOS)	
a/k/a LOUIS ALMEDA)	18 U.S.C. § 912
a/k/a MAJOR ALMEDA)	False Personation of a
a/k/a EPITACHIO PESSOA)	United States Officer or
a/k/a WALDIR CARLOS)	Employee
)	

SUPERCEDING INDICTMENT

COUNT ONE: (18 U.S.C. § 1341 - Mail Fraud)

The Grand Jury charges that:

1. During the time period from December 2002 through December 2003, in the District of Massachusetts

WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS

defendant herein, engaged in a scheme and artifice to defraud and obtain money or property by means of false pretenses in that he claimed that he was a lawyer or a paralegal, sometimes citing as his place of employment the Offices of Delmonico and Johnson. Defendant claimed that in that capacity he could assist individuals in court proceedings or legal and financial

negotiations in return for payment. In fact, the Offices of Delmonico and Johnson was a fictitious entity and not a law firm, though the defendant rented office space and brought victims to this office to make it appear to the victims that this fictitious entity was a law firm. Moreover, Defendant was neither a lawyer nor a paralegal. Defendant had neither the capacity nor the intention to provide the promised services, nor did he make any effort to do so. As a result of this scheme and artifice, defendant obtained at least \$16,000 from at least two victims, Mary Jean Paolo and Carlos Monteiro.

2. On or about the January 8, 2003, at Boston in the District of Massachusetts

WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS

defendant herein, having devised the above-described scheme and artifice to defraud and obtain money or property by means of false pretenses, for the purpose of executing and in order to effect the scheme and artifice to defraud and obtain money or property, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a letter to Mary Jean Paolo.

All in violation of Title 18, United States Code, Section 1341.

COUNT TWO: (18 U.S.C. § 912 - False Personation of a United States Officer or Employee)

The Grand Jury charges that:

On or about February 1, 2003, at Boston, in the District of Massachusetts,

**WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS**

defendant herein, did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Immigration and Naturalization Service, and in such assumed and pretended character with intent to defraud did falsely demand and obtain a thing of value, the sum of six thousand dollars (\$6,000.00) from Xin Gou in return for promising to obtain immigration, naturalization and legal work documents for Xin Gou, or a person known to him.

All in violation of Title 18, United States Code, Section 912.

COUNT THREE: (18 U.S.C. § 912 - False Personation of a United States Officer or Employee)

The Grand Jury charges that:

On or about February 1, 2003, at Boston, in the District of Massachusetts,

**WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS**

defendant herein, did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Immigration and Naturalization Service, and in such assumed and pretended character with intent to defraud did falsely demand and obtain a thing of value, the sum of two thousand dollars (\$2,000.00) from Xiang Li in return for promising to obtain immigration, naturalization and legal work documents for Xiang Li, or a person known to her.

All in violation of Title 18, United States Code, Section 912.

COUNT FOUR: (18 U.S.C. § 912 - False Personation of a United States Officer or Employee)

The Grand Jury charges that:

On or about August 5, 2003, at Boston, in the District of Massachusetts,

**WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS**

defendant herein, did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Immigration and Naturalization Service, and in such assumed and pretended character with intent to defraud did falsely demand and obtain a thing of value, the sum of two thousand dollars (\$2,000.00) from Juan Marcellana in return for promising to obtain immigration, naturalization and legal work documents for Juan Marcellana, or a person known to him.

All in violation of Title 18, United States Code, Section 912.

COUNT FIVE: (18 U.S.C. § 912 - False Personation of a United States Officer or Employee)

The Grand Jury charges that:

On or about September 16, 2003, at Boston, in the District of Massachusetts,

**WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS**

defendant herein, did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Immigration and Naturalization Service, and in such assumed and pretended character with intent to defraud did falsely demand and obtain a thing of value, the sum of three thousand dollars (\$3,000.00) from Carmen Candiales Tercer in return for promising to obtain immigration, naturalization and legal work documents for Carmen Candiales Tercer or a person known to her.

All in violation of Title 18, United States Code, Section 912.

COUNT SIX: (18 U.S.C. § 912 - False Personation of a United States Officer or Employee)

The Grand Jury charges that:

On or about November 10, 2003, at Boston, in the District of Massachusetts,

**WALDIR FRANCISCO DEOLIVEIRA
a/k/a ENZO DELMONICO
a/k/a LUIS CARLOS
a/k/a LOUIS ALMEDA
a/k/a MAJOR ALMEDA
a/k/a EPITACHIO PESSOA
a/k/a WALDIR CARLOS**

defendant herein, did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Immigration and Naturalization Service, and in such assumed and pretended character with intent to defraud did falsely demand and obtain a thing of value, the sum of five thousand dollars (\$5,000.00) from Henry Jean in return for promising to obtain immigration, naturalization and legal work documents for Henry Jean, or a person known to him.

All in violation of Title 18, United States Code, Section 912.

NOTICE OF ADDITIONAL FACTORS

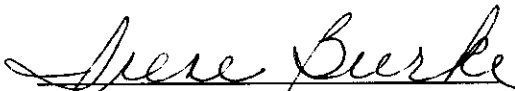
The Grand Jury further finds that:


1. The loss from the fraudulent activities described in Counts One through Six of this Indictment was greater than \$30,000. Accordingly, U.S.S.G. § 2B1.1(b)(1)(D) applies to this case.

2. The offenses described in Counts One through Six of this Indictment involved a misrepresentation that the defendant was acting on behalf of a government agency. Accordingly, U.S.S.G. § 2B1.1(b)(7)(A) applies to this case.

3. The offense described in Count One of the Indictment involved sophisticated means. Accordingly, U.S.S.G. § 2B1.1(b)(8)(C) applies to this case.

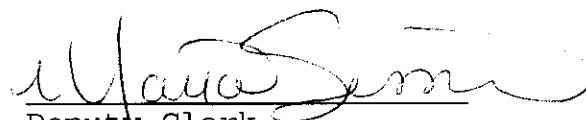
A TRUE BILL


FOREPERSON OF GRAND JURY


Seth P. Berman
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS, Boston, August 7, 2004.

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk
5/4 12:21
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